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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,718	06/16/2008	Toomas Kaevand	2329-0109PUS1	2549
	7590 12/31/200 ART KOLASCH & BI		EXAM	IINER
PO BOX 747			CARR, DEBORAH D	
FALLS CHUR	CH, VA 22040-0747		ART UNIT	PAPER NUMBER
			1621	
			NOTIFICATION DATE	DELIVERY MODE
			12/31/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.	Applicant(s)	Applicant(s)		
10/590,718	KAEVAND, TOOMAS			
Examiner	Art Unit			
DEBORAH D. CARR	1621			

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS,

- WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

 Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed

Status 1) Responsive to communication(s) filed on	- If NC - Failu Any	are to reply within the set or extended period for rep	statutory period will apply and v ply will, by statute, cause the apply as after the mailing date of this co	will expire SIX (6) MONTHS from the mailing date of this communication, plication to become ABANDONED (35 U.S.C. § 133), communication, even if timely filed, may reduce any	
2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s)	Status				
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DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8, 10 rejected under 35 U.S.C. 112, second paragraph, as being
indefinite for failing to particularly point out and distinctly claim the subject matter which
applicant regards as the invention.

Regarding claim 1, the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 1 is also rendered indefinite by the phrasing "the parent substance". It is unclear what the parent substance is or is referring to in regard to the process reactants.

Claim 1 is rendered indefinite for containing both process and apparatus limitations. It is unclear as to what inventive concept is actually being claimed. According to the MPEP section 2173.05 (p) II: A single claim which claims both an apparatus and the method steps of using the apparatus is indefinite under 35 U.S.C. 112, second paragraph.

Claim 10 recites the limitation "device of claim 8" in line 1. There is insufficient antecedent basis for this limitation in the claim because claim 8 refers to a process and not a device. Claim 10 should be dependent from claim 9.

Claim Rejections - 35 USC § 101

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Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

 Claims 1-8 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 is considered to be directed to both a process and apparatus based on the fact that it containing both process and apparatus limitation. According to the MPEP section 2173.05 (p) II: Such claims *>may< be rejected under 35 U.S.C. 101 based on the theory that the claim is directed to neither a "process" nor a "machine," but rather embraces or overlaps two different statutory classes of invention set forth in 35 U.S.C. 101.

Allowable Subject Matter

- Claim 9 is allowable.
- Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBORAH D. CARR whose telephone number is (571)272-0637. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel M. Sullivan can be reached on 571-272-0779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for Application/Control Number: 10/590,718 Page 4

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Deborah D Carr/ Primary Examiner Art Unit 1621

Ddc